

# PEEING IN PEACE

A Resource Guide For Transgender  
Activists And Allies



A Publication of the Transgender Law Center

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*Advocating for our Communities*

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# .CHAPTER ONE.

## A. Introduction



This Resource Guide is a first of its kind publication combining basic information about how someone (or some group of someones) can protect themselves with common sense steps that can be taken to change the way in which an employer, school administrator, business owner, or government official handles bathroom access issues. It provides basic tools you can use to affect how someone sees the issue of bathroom access and safety by questioning who should be able to access which bathroom and why we divide most public bathrooms into Men's and Women's facilities in the first place.

The Transgender Law Center receives numerous complaints each year from community members around the state about bathroom related harassment and discrimination. We also hear regularly from people who want to do something beyond responding to individual examples of discrimination in order to make bathrooms more accessible to everyone.

Started in 2003, our Safe Bathroom Access Campaign (SBAC) focuses on the real world problems that are created for transgender people and our partners, families and friends because of the way that society views gender and the stereotypes associated with it. Working closely with People in Search of Safe Restrooms (PISSR), SBAC has been able to open a dialogue in California about this important issue. Many of the lessons we have learned through that work and the solutions that we have helped to devise are encompassed in this resource guide. It is our hope that the hundreds of people who have contacted us about this issue since we opened our doors in 2002 will be able to take all or some of the information in this guide and share it with friends and allies who are also interested in challenging the current bathroom situation.

### *Who should use this guide?*

Anyone who wants to do something about the difficulties transgender people and their partners, families and friends routinely experience in public bathrooms. "Doing something" could involve standing up for yourself when you (or a friend or family member) are harassed in a bathroom; working to change a specific bathroom in a place you frequent (like your school, job, a government office, or local coffee shop); and organizing at the grassroots level in your city or town to create or modify local laws and policies to make bathrooms safer. It could also simply involve educating yourself about this issue in order to be a better ally.

### *How to use this guide*

The information included in this guide is intended to reach as many people as possible. Because of that, some of the information will make sense for you to use but some of it might not. Feel free to use what works for you and leave the rest behind (but you may find that you want to come back to it someday).

This first chapter is an introduction and overview. It lays out the problems that transgender people face in using public bathrooms. It also gives some historical information about how public bathrooms have been a site of discrimination against different groups of people for a long, long time. Finally, it gives you a snapshot of what the law in California says about using public bathrooms.

Chapter Two discusses harassment in the bathroom. It's a really practical chapter for someone who wants some tips or suggestions for how to deal with harassment in a productive way. We included this information because this kind of harassment is exactly what too many transgender people face and we haven't found these tips written down anywhere else. It's this harassment that got many people who are currently bathroom activists thinking about the need to work on these issues, so it's a good place to start.

Chapter Three is written more for those people who want to make change in their community and in society as a whole. Hopefully, everyone who has experienced the kind of harassment we write about in Chapters One and Two will want to spend some time and energy changing bathroom policies so that future generations will not be going through the same pain and alienation that too many people are today. This chapter is broken down into five different sections including changing individual bathrooms, creating a grassroots organization, and leading a campaign.

Lastly, the Appendix contains an extensive resource list that includes contact information for several bathroom activism groups and model letters and policies that you might want to use in your work.

We realize that this guide is only a starting point in addressing the rampant discrimination and harassment that transgender people and their partners, families and friends experience far too frequently. We strongly encourage feedback on the guide and the creation of additional publications offering different points of view, expanding on some of the ideas in this guide, or filling in areas that we missed.

## B. Language and Definitions

Because the transgender community does not have uniform agreement on terms, we take just a minute to define some of the words that we use in this guide. As with all definitions of this type, these are not the only "right" definitions or the only way to talk about certain kinds of identities or bathrooms. We are providing them to create a common base of knowledge. In the real world, many people identify in different ways and use different terms. We recognize that it's important not to force people to use language that isn't comfortable for them.

**Gender-Neutral or All-Gender Bathroom:** a bathroom that anyone with any gender can use.

**Gender-Specific or Gender-Segregated Bathroom:** a bathroom intended for people who identify with a particular gender (for instance, a women's room or a men's room).

**Multi-Stall Bathroom:** a bathroom with multiple toilets and/or urinals.

**Single-Stall Bathroom:** a bathroom with only one urinal and/or toilet that is meant to be used by only one person at a time (unless that person is being accompanied by a parent, family member, and/or attendant).

**Transgender:** a term that is being used in this guide to refer to people whose gender identity or expression is different than the gender they were assigned at birth or different than the stereotypes that go with that gender. This includes people who identify as MTF (male-to-female), FTM (female-to-male), butch, genderqueer, tranny, transsexual, sissy boy, etc.

**Transition:** the steps that some transgender people take to express their gender identity. "Transition" can be as simple as adopting a new name and wearing clothes that are more stereotypically male or female



(depending on the way someone is transitioning). Some people get help from a doctor in transitioning and use hormone therapy, mental health services, or surgical procedures. However, in this guide, we are not using transition to imply that anyone has to have taken any of these steps. It simply means that period after which someone has claimed their gender identity as their gender. For simplicity sake, we'll often use the term "post-transition".

## C. Historical Bathroom Activism

Bathrooms have long been a place where people with authority, power, or wealth have denied access to other people. Over 150 years ago, only wealthy people could afford bathrooms in their homes and poor people were forced to use insufficient, non-hygienic public toilets. For far too long, public bathrooms here in the United States were segregated between "white" and "colored" facilities. "Colored" bathrooms, along with colored sections of restaurants and buses to name only two more instances, were less sanitary and convenient than "white" bathrooms. One of the hard fought victories of the Civil Rights Movement was the elimination of these "colored" bathrooms because it was determined that "separate" was never equal. Women working in the construction trades struggled in the 1970's to create women's bathrooms on job sites where before there had been only men's rooms. After decades of struggle, people with disabilities succeeded in passing the Americans with Disabilities Act in the 1980s, part of which included guidelines for the creation of accessible public bathrooms.

Despite all of the great work mentioned above, bathrooms continue to be unsafe for some people. Because of this, the work described in this guide is a continuation of the work of each of these past movements. One important thing that can be learned from past bathroom activism is that, unless we work on this issue with a variety of needs in mind the bathroom revolution will never work for everybody.

Working to create safe bathrooms for transgender people and our partners, families and friends also means taking into consideration the many ways that bathrooms are made unsafe for people. If we only focus on gender-identity based harassment and discrimination, we fail to meet the needs of those people in our community who face discrimination on other grounds (race, income level, disability, etc). For that reason, bathroom activism is a natural place to work in coalition with other groups. In Chapter Three we talk about forming coalitions. Doing so is a great way to make sure that the work you are doing better meets the needs of all people in our community as well as the needs of other marginalized people outside of the community.

## D. The Problem

Safe bathroom access is not a luxury or a special right. Without safe access to public bathrooms, transgender people are denied full participation in public life. For example, transgender youth may be unable to complete school due to a lack of safe bathroom access. Due to bathroom discrimination in the workplace, transgender people may quit or be fired from their jobs.

For many transgender people, finding a safe place to use the bathroom is a daily struggle. Even in cities or towns that are generally considered good places to be transgender (like San Francisco or Los Angeles), many transgender people are harassed, beaten and questioned by authorities in both women's and men's rooms. In a 2002 survey conducted by the San Francisco Human Rights Commission, nearly 50% of respondents reported having been harassed or assaulted in a public bathroom. Because of this, many transgender people avoid public bathrooms altogether and can develop health problems as a result. This not only affects people who think of themselves as transgender, but also many others who express their gender in a non-stereotypical way but who may not identify as transgender (for instance, a masculine woman or an effeminate man).

Of course, some transgender people are able to use the bathroom of their choosing pre- or post-transition with relative ease (for instance, someone who is female-to-male using the men's bathroom). For other transgender people this is not the case for a variety of reasons. Some people do not "pass" well (meaning, for example, someone who is perceived to be a woman even though he has transitioned from female to male). Others do not necessarily identify as male or female and are harassed in both the men's and the women's bathroom. Many transgender people also face discrimination and harassment because of other parts of their identities (for instance, they are young, homeless, low-income, and/or a person of color).

Many non-transgender people also experience difficulty and inconvenience in gender-specific bathrooms. Parents with differently-gendered children are not able to accompany them in gender-segregated bathrooms (for instance, a mother taking her young son into a multi-stall women's room). Disabled people with differently gendered attendants or family members are not able to bring them into gender-specific, multi-stall bathrooms. (And these difficulties are compounded when a public bathroom is not one that has been made accessible for people with disabilities to begin with).

Discrimination comes in many forms and it is not always easy to know why someone is asking you questions or telling you to leave a bathroom. In the end, it really doesn't matter. Everyone should be able to use a safe public bathroom so that they can pee in peace.

## E. Legal Landscape

One of the most common questions we get is: what are my rights around the bathroom? Unfortunately, this is not always an easy question to answer. Some answers are easy. If you're ever assaulted in the bathroom, you have the right to report the person to the police and sue them in civil court. You can not be told that you can not use any bathroom (i.e. you have to be allowed to use at least one bathroom). You can not be fired from a job, kicked out of school, or evicted from an apartment because your boss, principal, or landlord can not figure out what bathroom you should use.

In San Francisco and Oakland, it is clear that you have a right to use the bathroom that corresponds to your gender identity (for instance, if you are male-to-female, you have the right to use the women's bathroom). You have this right because local laws in each city either clearly address the bathroom issue or some city agency has already decided what a general non-discrimination law means in that city.

Of course, if you do not identify as male or female, this still doesn't really solve your problem. However, in San Francisco at least, the Human Rights Commission recommends that all businesses have at least one gender-neutral bathroom.

But, if you live outside of one of these cities, what are your rights? Clearly, you can not be discriminated against in employment, housing, education, and public accommodation (this means using a business like a hotel or clothing store or a government building like a court house, for example) simply because you are transgender (along with a number of other characteristics). At TLC, we strongly believe that this means that you must be able to use the bathroom that corresponds to your gender identity.

In the Appendix, we have included both a model advocacy letter based on your rights as an employee and more details about laws in California as a whole, with specific emphasis on laws in Oakland and San Francisco.

## F. Women and Children's Safety

One of the questions that is often asked is: "does changing the way we think about restrooms compromise women and children's safety?" We think that it does not. Because we live in a society in

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which both women and youth regularly face discrimination and oppression, however, it is important to take this question seriously.

At the root of this question is the idea that bathrooms cannot be safe for women, children *and* transgender people. This idea is inaccurate and it puts women and children one side and transgender people on the other. When marginalized groups are pitted against each other like this, coalition building becomes difficult (if not impossible) and the political power of all the groups is weakened. And that is a shame because nothing about allowing people to use the bathroom that is appropriate for their gender identity or creating gender neutral bathrooms makes those bathrooms more unsafe for women and children.

The truth is that the current bathroom situation does not adequately ensure women's safety. Putting a sign that says "women" on the door of a bathroom does not stop people who want to harm women from entering. Thinking that a sign will create protection might actually increase the potential for violence in bathrooms because if someone did intend to assault a woman in a bathroom, they would certainly know where to look. In doing bathroom activism, it is important that we help people realize that something as symbolic as a sign on a door does not provide any real safety or protection.

The current bathroom situation is not particularly safe for children either. Many opponents of bathroom activism have stated that making bathrooms safer for transgender people will make them less safe for children. However, gender-neutral bathrooms can actually be safer for children because parents or other caretakers would be able to accompany them to any public bathroom thus personally ensuring their safety.

Another idea that we hear a lot is that making bathrooms safe for transgender people decreases the privacy that women and men need when using the bathroom. If people are worried about privacy, it is entirely possible that bathrooms could be built in a way that provides more privacy than most bathrooms currently do. For example, stall doors could extend all the way to the ground and locks on individual stalls could function more effectively. Most people have become used to using public bathrooms only with other people who have the same birth-assigned gender. The thought of carrying out one's bodily functions in the same facility as the "opposite sex" makes many people feel embarrassed and uncomfortable. However, considering that the current bathroom situation does not adequately provide for the safety of many people including transgender people, women and children, embarrassment should be considered secondary. Change is often uncomfortable, even when it is for the better, but if bathrooms are going to be made safe for all people, minor discomfort is a small price to pay.

One final idea that we hear is that creating gender neutral bathrooms will lead to less cleanliness. This argument assumes that men are inherently messy in the bathroom and are thus incapable of sharing a bathroom with women who are supposedly neater. For one thing, most people know by experience that all public bathrooms get messy sometimes whether those bathrooms are marked for use by men or women. Secondly, many people live in mixed-gender homes and are able to share their home bathroom with other members of the household with minimal problems. That people of different genders are able to share residential bathrooms with relative ease indicates that people of different genders could learn to share public bathrooms as well.

"I hate it when people give you a hard time for going into the 'wrong' bathroom. What the hell are you supposed to do!?"





# .CHAPTER Two.

## A. Preventing Harassment



Using a gender segregated bathroom is not always easy no matter how you identify or which bathroom you are trying to use. “Men’s” and “women’s” bathrooms encourage people to use stereotypes about who a “man” is and who a “woman” is in deciding if they are in the right bathroom. Because of this, many people have stereotypical expectations about who will be sharing the bathroom with them. When they encounter someone who doesn’t fit that stereotype, they sometimes get confused, angry, or afraid.

For that reason, it is best to be prepared for some kind of reaction from others if your gender expression does not perfectly fit pre-existing stereotypes (for whatever reason).

And it is really helpful to know how to respond to stares, comments and questions when they occur. This section offers some tips for doing so with the hope that knowing how to respond in these situations will help reduce the anxiety many transgender people experience when trying to access a public bathroom. Many of these tips may seem obvious, but it’s good to be reminded of them.

Since we all have different gender identities and different bodies, some of these ideas may not be comfortable or appropriate for you. Use those that make sense for you and pass the rest along to a friend. Keep in mind that some people who ask if you’re in the right bathroom don’t intentionally mean any offense. They are just confused. Other people are certainly trying to harass you. Sometimes, it is hard to tell the difference between the two.

### Strategy #1: Learn the Gender Code

Gender stereotypes are heightened in the bathroom. Therefore, sometimes the easiest way to use the bathroom is to understand these gender stereotypes, even if you find them uncomfortable or problematic. Here is some information that might help you get by until we can create safer restrooms. (Please keep in mind that this information is necessarily stereotypical and that we are including it here not because it is the way things should be, but because it is the way things currently are.):

#### *The women’s room:*

The women’s bathroom is a social space. People tend to have conversations between stalls, at the sinks, and while in line. People in the women’s room often bring in children of all genders in order to help them. It is generally a friendly place (for those who “belong”) where people are not afraid to look at each other and smile or chat. In this bathroom, folks tend to wait in line along the walls of the bathroom, away from the stalls. Often people will spend time at the sink or mirror.

#### *The men’s room:*

This is not a social space. Nobody talks or makes eye contact with anyone else. People don’t stand next to

each other at urinals unless they are all filled. Usually folks in the men's room stand in line in the middle of the bathroom. If you need a stall and there are none, pretend you just came in to wash your hands. Don't feel out of place for using a stall. People who use the men's room sit down sometimes too and will use a stall whether or not the urinals are full. If you need to sit down to pee and are worried that someone will notice, try using a can lid or medicine spoon to stand. You can also try one of the various stand-to-pee devices, such as the Mango product or the DJ Knows Dick Pissin' Passin' Packer, available at stores and online.

## **Strategy #2: Confidence**

Using gender segregated bathrooms may be nerve-wracking at times but it is important that you realize you have a right to be there, no matter how other people react to you. You belong in the bathroom that makes you feel most comfortable as much as anyone else does. Being confident lets other people know that as well.

If you are feeling nervous when entering a bathroom, take a deep breath and remind yourself that there's nothing wrong with you and that you have the right to be there as much as anyone else does. If necessary, keep taking deep breaths and repeat the phrase, "I belong here" in your mind while you are in the bathroom.

## **Strategy #3: Invisibility**

In some places, the best bathroom strategy is simply to avoid potential conflict altogether by just not being seen. In order to use the bathroom quickly without attracting anybody's attention use the bathroom when it is empty; use the stall or urinal closest to the door; don't look at or speak to anyone; wait until everyone leaves before coming out of the stall; dry your hands on your way out the door.

## **Strategy #4: The Buddy System**

Bringing somebody with you to the bathroom is a great way to avoid harassment. People who are willing to pick on one person generally back down when they are outnumbered. If you can, pick someone who understands the difficulty you experience in bathrooms and is willing and able to act as your ally. This is especially effective if that person will be generally perceived as belonging in that particular bathroom. Even if your bathroom buddy is not perceived as belonging any more than you are, two is better than one. If your friend is unwilling or unable to accompany you to the bathroom, ask them to wait outside the bathroom and listen or watch for trouble.

## **Strategy #5: Gender Proof**

If you are questioned or harassed in a gender segregated bathroom, try offering proof of your gender identity if you are able to do so. Show that the gender marker on your ID matches the sign on the bathroom door. Or try pointing out your physical characteristics if they will help prove that you belong. For example, if you have breasts, try pointing them out to prove that you belong in the women's room. If you have a deep voice, try speaking to show that you belong in the men's room.

## **Strategy #6: Dealing with Children**

Children are not particularly shy when it comes to commenting on their observations and will sometimes be the first ones to question your presence in the bathroom. When children make comments like these, the adults who are responsible for them often become either embarrassed or protective. Prepare some responses for the questions children tend to ask that are both parent/guardian and kid-friendly – gentle and direct but not aggressive or controversial.

For example:

Kid: "Is that a boy or a girl?"

You: "I'm just a person trying to use the bathroom."

Kid: "Why is he in the women's room?"

You: "I'm just here to use the bathroom."

## **Strategy #7: Confrontational**

If you are feeling safe and bold, try confronting bathroom harassers directly. People might not expect you to stand up for yourself, so that when you do, you shock them into leaving you alone. If they stare at you, stare back. If they look like they might say something rude, be the first one to say something – even just "hello". If they question your choice in bathrooms, tell them, "I am transgender and I have a right to be here, deal with it."

Prepare snarky comeback lines such as:

Them: "Excuse me, you're in the wrong bathroom."

You: "I don't know if this is the right bathroom for you, but it is for me."

Them: "Is this the women's room?"

You: "No, it's the parking garage."

## **Strategy #8: Educational**

In some cases, harassment in the bathroom gives you the chance to do one-on-one advocacy with someone. This is an especially helpful tactic when the person questioning you is someone who seems confused instead of insulting or threatening. Utilizing this strategy can genuinely help someone realize their mistake and not make it again.

For example:

Them: "Excuse me, did you know this is the women's bathroom?"

You: "Yes I do. I am a transgender woman and this is actually the right bathroom for me. I know it can be a little confusing. I spent a number of years figuring it out myself."

# **B. Harassment, Assault, and Questioning**

In our experience, the most common kind of bathroom discrimination that people experience is harassment, assault, and questioning by police or security guards. Sometimes harassment and aggressive questioning also comes from people using the bathroom who do not have any sort of legal authority. This kind of discrimination ranges from a confused person asking a simple question, to that question leading to verbal harassment or to physical harassment. The most important thing to remember if you are harassed while trying to access the bathroom is that it is not your fault! You are absolutely entitled to safe, dignified bathroom access.

As awful and frightening as these situations are, it is important not to stay silent out of feelings of guilt, shame or internalized transphobia. At the moment of the harassment, the best thing for your safety may be to stay silent and leave the situation. However, the only way to protect yourself and other transgender and non-conforming folks from having to go through this in the future is to advocate for yourself and demand recognition of your rights either at the time of the harassment or at a later date. This might seem self-evident but it is stressed here because in the face of harassment or assault it is sometimes easy to forget that you are not to blame.



## C. Handling Harassment

If possible, it is best to try to handle bathroom incidents directly with the person who is harassing you before bringing in a third party. In situations in which you cannot deal with the person directly, we recommend contacting someone who may be able to positively influence that person such as a supervisor. Sometimes an advocate can help you figure out who that person might be (see resources section for more info).

If the harassment becomes threatening or violent you might need to contact a police officer. Unfortunately, the police are not always helpful. Too many transgender people have reported that they have been harassed by police officers even when they were the person calling for help.

The following chart is one way to think about how to defend yourself when harassment occurs. Keep in mind that these are only suggestions and that they may not always be the right steps to take in every situation.

### STEPS FOR DEALING WITH HARASSMENT IN THE BATHROOM

#### *In general:*

- If it is safe to do so, confront the person harassing you (see strategies in section B of this Chapter).
- If you are being harassed in a particular bathroom, try going to a different bathroom in another part of the building for the short-term, but do not feel as if this is a permanent solution.
- Write down the dates, times and individuals involved in the incident as well as names of any witnesses.
- Seek allies - if you know of anyone in that particular location who would support your right to safe bathroom access.
- Report any incidents to the appropriate person in authority and/or make a complaint to a local or state agency (see list in the Resource section). Follow up any verbal complaint in writing.
- Provide educational materials to people at that location.
- Ask the proper person at that location about creating a gender neutral restroom option.

#### *In a government-owned building:*

- Government-owned buildings include welfare offices, city hall, libraries, and the social security office.
- Let security know what is happening if you feel safe doing so.
- If you have a case manager in that office, try talking to them about it.
- Encourage them to put up a sign urging people to respect other folks when using the restroom.

#### *In a shelter:*

- Do what you feel is comfortable without jeopardizing your shelter spot.
- If you feel safe doing so you can make a complaint to the employees who work at the shelter.

#### *In a restaurant or store:*

- Let an employee or manager know what is happening if you feel safe doing so.
- Encourage them to put up a sign urging people to respect other folks when using the restroom.
- If none of the above steps are successful, consider taking legal action. Contact a legal advocacy organization for assistance.

#### *If you are harassed at school:*

- Get the support of understanding faculty and staff.
- Report the incident to your principal or district.
- If your school has a GSA or LGBT student group, talk to them about doing activist work around the issue.
- If possible, tell a parent or guardian what is happening and ask them to help advocate for you.

#### *If you are harassed at work:*

- Make a complaint to your supervisor and/or the appropriate person in the Human Resources office.
- If the situation is not resolved you should follow your employer's or union's grievance process.
- Don't sign anything your employer gives you without first consulting a lawyer.
- If you are planning to transition on the job, talk to your employer about it beforehand and make sure that bathroom access is a part of the conversation.

## D. Assault in Bathrooms:

By "assault" we mean that someone has touched you (grabbed you, pushed you, punched you, kicked

you, etc). Many of the steps you should follow are the same as the steps to follow if you are harassed but here are some additional suggestions:

- Document any injuries you receive by taking photographs and/or getting a letter from any doctor who treats you.
- If you feel comfortable doing so, report incidents of assault to the police.
- Practice self-care. Assault can be both physically and psychologically traumatizing. Seek medical care. If you are uninsured, find a local free clinic. Find a support group or low cost therapy clinic if you are experiencing post-traumatic stress.
- If you decide to bring a suit against someone, you have two years from the date of the incident to file a claim in California. You do not have to be represented by an attorney in order to file a suit, but it is a good idea to try to find someone to take your case.

## E. Security Guards or Police Officers:

Police officers and security guards frequently detain, question and, in very rare cases, arrest transgender people who they believe to be in the “wrong” bathroom. A study conducted by the National Coalition of Anti-Violence Programs in 2002 showed that in 50% of the hate violence claims submitted by transgender people in San Francisco, police officers and security guards were the perpetrators. While the numbers have dropped in more recent years, they are still far too high.

When dealing with the police, everybody needs to act according to their life situation. If you are on parole or probation, an officer could use this as an excuse to take you into custody. If there is a warrant out for your arrest, being caught in the “wrong” bathroom provides the police with an opportunity to run a record check and bring you into custody. People of color, non-U.S. citizens, homeless people, and youth also face specific risks when dealing with law enforcement agents. If you fit into one or more of these categories you can find helpful information in the resources section of this guide.

### *Avoiding conflict*

If need to use a bathroom in a location where there are police or security guards present and you are worried about a confrontation, leave and go to the bathroom somewhere else.

If a security guard or officer comes in and tells you that you’re in the wrong bathroom, respectfully tell them you are in the correct room and are just trying to use the facilities. If they are not satisfied by that answer, offer to leave and use the bathroom elsewhere.

### *Being detained & remaining silent*

Being detained means that you are not allowed to leave a situation. A security guard only has a limited right to detain you. And while police officers can not detain you in every situation, they do have many ways of holding you to ask you questions. If you are being questioned, you should always politely ask if you are free to leave. If they say you can leave, do, but remember or write down the name of the officer or guard on your way out of the bathroom.

If not, it’s best to only share with the guard or officer the most basic information. If you have an ID with the correct gender marker on it, show it to the guard or officer. If the guard or officer begins to ask you a lot of questions about what you are doing in a certain location or what your plans are for the evening, you have a choice to make:

- (1) You can answer the questions or tell the person you’ll only answer the questions with a lawyer present. If you do answer the questions, make sure you only say things that you’d want said in a courtroom. Everything you say can be used in a case against you and police officers will often find a way to turn any answers you give against you later on.

- (2) If you do not answer the questions, it's important to understand that this might prompt a guard to detain you for the police and an officer to arrest you. However, both of these things might also happen if you do answer the questions.

### *Searches*

Security guards have a very limited right to search you. If they begin to do so, be aware that they are probably breaking the law. Again, police officers have more rights, but those rights are limited (except if you are on probation or parole). Make sure any officer who is searching you knows that you do not want to be searched by politely but clearly stating the words, "I do not consent to this search". Unless they have what is called "probable cause" for the search, anything they find can't be used against you.

### *Arrest*

In very rare cases, people are arrested by officers who think that they are using the wrong bathroom or who just want to harass them. If this happens to you, make sure to remain silent until you have representation from an attorney (it may take up to 72 hours to get an attorney). You should not sign any documents that an officer gives you unless you are sure it does not contain any details of the arrest or waive your 5th Amendment right to remain silent. It is okay to sign a sheet for your belongings or a Promise to Appear notice if you are being released.

If you have been arrested, it is quite possible (depending on local laws) that you were arrested falsely and on a bogus charge. In most places, is not illegal to use the "wrong" bathroom. You were not there with criminal intent, you were just trying to pee. Meet with your lawyer or a court appointed attorney as soon as possible.

"Being in gendered bathrooms consistently makes me feel vulnerable to violence and possible arrest"





# CHAPTER THREE.

## A. Changing Bathrooms For Good



Having been exposed to harassment (or worse) or seeing a friend or loved one go through it, many people are left with the question: what can I do? This chapter is all about answering that question. The chapter outlines a couple of different, but related, ways that change can happen around bathrooms: making changes to individual bathrooms (on your own or with others) and creating a grassroots campaign and organization.

You may find that one of these options is best at one point in your life or for one kind of change you are trying to make and the other at another point or for another kind of change. At TLC, we do not believe that you have to choose between them. Instead, this chapter was written to give you the most possible options in creating a solution that works best for your individual needs.

## B. Potential Ideas

Before jumping into the “how to” part of the chapter, we want to give you an overview of some different ideas people have proposed for making bathrooms safer. In our opinion, some of these ideas are helpful and some are not. We have broken the group down into those that we do not recommend and those that we do recommend. Of course, you have to make up your own mind, but in our experience some of these ideas lead to more problems than they solve.

The most highly recommended ideas are those that are useful to transgender people in a broad sense, meet the needs of transgender people with intersecting identities, take into account the concerns of non-transgender people who have difficulty accessing gender-segregated bathrooms and are politically and economically plausible.

The following ideas have been gathered over the years through the work of TLC and PISSR. They come from conversations at meetings, community surveys, etc. This list of ideas does not include every possible idea by any means, but it does give you a sense of what is being discussed in the community.

### Not Recommended

#### Creation of a Transgender Bathroom

One idea that is regularly proposed is creating bathrooms specifically for transgender people in addition to traditional women’s and men’s rooms. We think that this solution is problematic for a number of reasons. First, it forces transgender people to “out” themselves every time they use a bathroom, which is unfair to people who wish to keep their transgender status private. Second, this approach takes into consideration only the transgender part of someone’s identity and does nothing to improve bathroom

access for transgender people with intersecting identities or people who are not transgender but still have difficulty accessing bathrooms. Third, it forces building owners to invest in new construction. This additional cost will create a lot of resistance from business owners and will make any effort to mandate this kind of bathroom very difficult. Given these three factors (safety, limited scope, and likely resistance), we find this solution to be unhelpful in creating bathroom safety.

#### Women's Room and Gender-Neutral Bathroom

In response to discussions about women's safety, some people have thought of the idea of keeping women's bathrooms but converting men's bathrooms to gender-neutral. This is often presented as a compromise between folks advocating for gender-neutral bathrooms and folks advocating that women require a space separate from men to use the bathroom. On the surface, it has a lot of appeal. Since women are the group most likely to voice safety concerns about gender-neutral bathrooms, this idea helps to address those concerns directly. It also helps to alleviate the sometimes longer lines at women's bathrooms because those women who are willing can use the gender-neutral bathroom instead of waiting in a long line for the women's bathroom.

However, it is an idea that in the long run is likely unhelpful. First of all, as we discuss in more detail in Chapter One, it reinforces the incorrect idea that women are safe in a "women's bathroom." At the same time, it would likely force transgender women into a gender-neutral bathroom instead of allowing them to use the bathroom that corresponds to their gender identity (the women's room). It may also force masculine women, who may or may not be transgender-identified, to use the gender-neutral bathroom as well. Finally, it is not clear that this is a legally tenable situation and may lead to the building owner facing charges of creating unequal conditions for men and women. For these reasons, while there may be some very specific instances in which this idea actually works, in general it is one that we think would be unhelpful.

### **Recommended**

#### Use of Gender Segregated Bathrooms Based on Gender Identity

Another idea for protecting transgender people in bathrooms is to pass laws, regulations, or policies that require that people be allowed to use the bathroom that corresponds to their gender identity. As mentioned in Chapter One, both Oakland (through a local law) and San Francisco (through regulations) have done this. In addition, the San Francisco Unified School District has done it through regulation for K-12 students in their schools and the Los Angeles Unified School District has told local principals that they are permitted to allow this kind of use at their schools. In addition, a lot of businesses and employers have policies of this kind in place.

Being able to use the bathroom that corresponds to your identity (if your identity is either male or female) is incredibly important. Not only does it show support for you, but it sends a strong message to co-workers, classmates, fellow consumers and clients, and others that you are being accepted for who you are.

Sometimes, a policy is created that only allows you to use the correct bathroom if you can "prove" you are the gender you say you are. For instance, some companies or businesses will require that you show a state ID or driver's license with the gender marker of the bathroom you want to use (i.e., a person who is female-to-male would have to show ID that has a male gender marker in order to use the men's bathroom). While this kind of policy may at first seem to make sense, it is one that unfairly limits people from using the bathroom of their choice.

Here in California, it is fairly easy for someone who has transitioned from one gender to another to get a state ID or driver's license with the correct gender marker. That person does not need to have undergone any medical treatment and only needs to have their doctor fill out a Department of Motor Vehicles "Change of Name and Gender" form. Unfortunately, a lot of people who transition do not have a doctor who can (or who is willing to) fill out this form. Other people do not qualify for a driver's license

or state ID because of their immigration status. For these reasons, it is best to advocate for policies that do not require a person to have identification with their post-transition gender marker on it. And, in other states, getting a state ID or driver's license can be much more difficult. A handful of states even require that a person have undergone surgery before they are able to get the correct gender marker on their identification.

The other kind of proof that is sometimes required is "proof of surgery." This most often, but not always, comes up when a person is transitioning on the job, at school, or while in a residential program or shelter. Obviously, this kind of policy is untenable. Most transgender people do not access surgery as a part of transition (less than 15% of survey respondents reported accessing surgery in Legal Translations). Therefore, any such requirement would not be based on the lived experience of community members. Furthermore, access to a bathroom has nothing to do with anatomy and everything to do with identity. So, unless the person enforcing the policy is willing to do genital checks on every employee, student, customer, or resident using the bathroom in their facility - they shouldn't be doing them for transgender people.

While making sure that people can use the bathroom that corresponds to their gender identity is important, it is not a complete solution for those stereotypical expectations we discussed in Chapter Two. This is one reason that training is so important in a workplace, school, residential facility, or shelter. Training can help give non-transgender people the information and tools they need to behave appropriately in the bathroom. However, we know that not everyone responds well to these trainings and that this idea does not really address why stereotypical expectations are so common in bathrooms in the first place.

This idea also does not help the parent with a different gendered child (a father with a young daughter, for example) and does not necessarily address non-gender related types of discrimination either. This is why it is important to work on this idea along with some of the following ones.

#### Single-Stall Gender-Neutral Bathrooms

Gender-neutral bathrooms are a great way to dramatically increase people's bathroom safety. If a bathroom is not divided into "men's" and "women's" facilities, nobody using that bathroom would go in with stereotypical expectations about who else should be in there or how they should look. This would really improve the whole bathroom experience for a lot of transgender folks. It would also significantly improve bathroom access for many non-transgender people, including parents with children and disabled people with differently-gendered assistants or family members. It also would help to cut down unequal bathroom lines - men and women would wait in line for the same amount of time.

One easy step towards making more bathrooms gender-neutral is to make single-stall bathrooms gender-neutral. This would require nothing more than changing the signs on the doors. This is a relatively non-threatening way to help people grow accustomed to the idea that people with different genders can use the same public bathroom. After all, the single-stall bathrooms in our homes don't have a "male" or "female" sign on them. So, gender-neutral single-stall bathrooms are not really very different from the bathrooms that we use in our homes. Single-stall gender-neutral bathrooms require no new construction and would cost business owners nothing but the price of new signs.

Of course, we'd have to make sure that the creation of a gender-neutral bathroom isn't a back-door way to create a "transgender bathroom." It's important that businesses or schools with a mix of single-stall and multi-stall bathrooms keep in mind that transgender people should not be forced to only use the single-stall bathrooms. That is one reason why it is a good idea to work simultaneously on creating gender-neutral bathrooms *and* making sure transgender people can access the bathroom that corresponds to their gender identity.

#### Multi-Stall Gender-Neutral Bathrooms

Even more helpful than gender-neutral single-stall bathrooms is gender-neutral multi-stall bathrooms.



Without a doubt, this would be a big change in public bathroom culture in the U.S. It is a change whose time has come, though. By eliminating the whole idea that one bathroom is for men and one is for women, we would be able to get rid of the stereotypical expectations that cause so much trouble. No one would feel like they were in the wrong bathroom or that they could make someone else feel unwelcome simply because that person did not look the right way. Parents could keep an eye on their children and people who need assistance using the bathroom would be able to get that assistance from any family member or attendant.

Most existing bathrooms would not need significant physical alterations. Urinals could be made more private by being placed inside a stall. And as new buildings are being constructed, the demand for gender-neutral bathrooms could also result in small changes to increase privacy. For instance, stall doors could be built taller and extend closer to the ground. Locks on stall doors could be made stronger and more functional.

Of course, the big hurdle with this idea is convincing building owners, employers, school administrators and elected officials that it is a workable idea. This will take a certain amount of education, patience, and in some cases direct action. One argument to use, in fact, is that in the long term, this solution could actually save building owners money in new construction costs because they could build one bathroom and install one set of sewer and water lines instead of two. Because the changes do not cost a lot of money, though, the only real hurdle is people's issues about men and women using the same bathroom at the same time.

Of course, gender-neutral bathrooms do not negate the transphobia that is rampant in this society. A transphobic person who is intent on harassing or assaulting a transgender person might do so in any environment, including a gender-neutral bathroom. Gender-neutral bathrooms do not, in and of themselves, eradicate the need for non-transgender people to exhibit respect for our communities. However, as we mention above, they do decrease the potential for violence by providing a multi-gendered environment in which transgender and gender non-conforming people do not automatically stand out simply because of their gender expression or presentation.

Although multi-stall gender-neutral bathrooms are a great long-term solution to many of the problems mentioned in this guide, it will most likely be a long time before they become a wide-spread reality. That is why the two ideas listed above and the two below are great short-term strategies for creating safer bathrooms.

#### *Gender-Neutral Bathrooms on Alternating Floors*

In large buildings with a lot of multi-stall bathrooms, making the bathrooms on every other floor gender-neutral helps to create safety. It requires no new construction and no cost to business owners except the price of new signs. This is also the kind of change that might be used as a starting point for changing all of the bathrooms in the building to gender-neutral. And while having gender-neutral bathrooms on alternating floors will help many people, it is not necessarily the best idea for any disabled or elderly people who do not have the mobility to move to a new floor every time they wish to use a gender-neutral bathroom. Also, it is important to make sure that these floors do not become the unofficial "transgender" floors and that transgender people are able to use all of the bathrooms in the building that correspond to their gender identity.

## **C. Changing Individual Bathrooms**

This section focuses on creating change in a specific bathroom. Sometimes, the best place to learn to be an activist or to put your activist skills to work on a new issue is close to home. For some of you, the bathroom you target is one that has to be changed in order for you to continue working at your job, going to your school, or staying in a particular shelter. For others, it will be a bathroom that you think can be changed to improve your favorite coffee shop or restaurant.

The change that you want to make to a bathroom may include any of the ideas we mentioned in the “Potential Ideas” section (although we hope it is one of the recommended ideas) or an idea of your own. The steps you will take to make that change will not vary too much no matter what idea you are using. We are providing the following information as suggested steps you can take in your effort. As always, these steps are not ones that you have to take or ones that will work in every situation. As a general rule, however, they have proven successful in other situations. In order to make the steps more concrete we are describing them as if they were being used to make sure that people can access the bathroom that is appropriate for their gender identity on a worksite.

### Step One: Determine Your Goal

It is important that you know exactly what it is you are asking for. Which idea listed in the “Potential Ideas” section is the one that is right in this situation? Do you have an idea of your own that would work well in this situation? It is also important that you know how much you are willing to negotiate. In our example, one possible goal is getting every bathroom on the worksite to be one that anyone can use based on their gender identity. However, the activist or activists involved will settle for every bathroom but one men’s and one women’s bathroom in order to satisfy any opposition from co-workers. This second idea is your negotiated goal. It is the least change for which you will be willing to settle.

Of course, whatever your negotiated goal is, you do not make it public to anyone until you have decided that your main goal is not one that you can win. That means that you do not tell the people with whom you are negotiating, but it also means that you don’t tell other people except possibly your allies.

### Step Two: Identify the “Target”

The “target” is the person who has the power to make decisions about the bathroom(s) in this location. Determine who has that decision-making power. If you are unsure who that person is, you may want to ask around to see if someone else knows. In our example, it is likely to be a site manager, owner, or executive director. In most cases, your direct supervisor will not have the power to make this kind of decision. At the same time, in a huge corporation, the CEO of the corporation will not want to have to make this kind of decision. Determining who has the power to say “okay” to your idea is very important.

### Step Three: Identify Allies

Allies are people who will support you in your attempts to create change to the bathroom. Some allies will be people who also experience trouble using the bathroom(s) in question or who really care about the issue of bathroom safety. These are people who might be good “core allies” who become part of a small team working together on this issue. They will probably help you identify the steps you want to take, your goal, and your negotiated goal.

Other allies are people who care about the issue of discrimination in general. In our example, this may be a group of co-workers who can not participate as “core allies” but who support your idea. They may also be a union representative, an outside advocate, or an employee group (like a gay and lesbian employee group). Think about what your allies might be able to do to help you. Would they be willing to co-sign a letter? Would they be willing to speak to the “target” with you?

### Step Four: Identify Opponents

Your opponents are people who would be against any change in the current bathroom situation. Determine who your opponents are. Think about what their hesitations might be. If you are aware of these hesitations in the first place, you can strengthen your argument by directly addressing them. Also, think about the power your opponents have. Are they able to directly block the work you are trying to do? Knowing your opponents and what their hesitations might be will help you find creative ways to directly address those hesitations. Would your opponents benefit from reading over some educational materials? Would they be willing to attend a training or forum?

### Step Five: Research

Make sure you know as much as possible about these kinds of bathroom issues before starting the public

steps of your effort. If you live in California, this guide is a great place to start. If you live in another state (or country), you'll likely have to do some extra research on your local laws and policies. If possible, find examples of other local bathrooms that have been successfully changed so you can share this information with the decision maker in your situation. This preparation will help you convince the "target" that this is a serious problem but one that is possible to solve.

In our example, if the employees and their allies are in San Francisco, they could get a copy of the San Francisco Human Rights Commission's regulations that require that people be allowed to access all bathrooms in the city based on their gender identity. They could also point to a number of companies that allow this kind of access successfully. An advocate in your state may be a helpful resource in tracking down information on local laws and examples of good employers.

### Step Six: Write a Letter

In making your goal public, a good first step is to write a letter of concern to the person who is your "target" (i.e. the person who has the power to change the bathrooms) and make sure they understand your goal. There are some sample letters in The Appendix of this guide. One of the example letters was written by a person who wants to use the restroom that corresponds to their gender identity. As a part of the letter, ask them to meet with you to have an informal conversation about these issues. You might want to include some educational materials with the letter and see if some of your allies would be willing to co-sign. If possible, it is a really good idea to ask an advocate or lawyer to read over your letter. They may have some suggestions for how you can best present your ideas or what laws you can mention to strengthen your argument.

In our example, the activist or activists would write a letter to the area manager for their company stating that they think all employees and customers at their store should be able to use the restroom that corresponds to their gender identity. They would define gender identity or give an example of how the policy would affect a particular person and they would ask for an in-person meeting. They might also include a copy of the Transgender Law Center's Recent Advancements in California and Federal Employment Law Regarding Transgender Employees.

### Step Seven: Preparing for the Conversation

Of course, this step depends on your "target" agreeing to meet with you in response to your letter. If your "target" does not agree to meet with you, skip down to Step 9. Prepare for the conversation by writing down some of the major points in support of your idea of bathroom change. Bring a copy of your letter, the educational materials you sent, and any new or additional materials you have. Do not bury the "target" in paper, though. You should ask the "target" if they need any of these things. If they say "no," do not force the materials on them.

Talk with your allies about who will say what in the meeting. You do not need a script, of course, but it is a good idea to know beforehand who will raise what parts of the idea. If you have "core allies" and other allies, make sure that the "core allies" all have something to say. Also make sure the other allies, like an advocate for instance, understands their role and does not accidentally take over the meeting.

Finally, make sure when you set the meeting to be clear about who will be attending. The meeting will be different if it is just you and the "target" or if the "target" wants to include any opponents. In Step Four you identified some arguments that your opponents might use, be prepared to address those arguments respectfully and fully. Even if they are ridiculous arguments, it is important to make clear to the "target" that you have thought through a response.

In our example, one complaint that often comes up is that a policy allowing people to use the restroom that is appropriate for their gender identity will allow men to put on a dress and use the women's restroom. As hard as it is to believe, some people really think this will happen. Because of this, it is a good idea to have a quick answer like, "We know this is a concern, but it just does not happen. No person in any of the places that have this policy has abused it in this way. And, if someone were to do this, they could face disciplinary action if they are acting badly in the bathroom."



### Step Eight: Having the Conversation

It is not always easy to predict what will happen in one of these informal conversations. It may be that the “target” agrees with your idea and says “yes” on the spot. If so, just make sure you understand if the new policy will begin right away or maybe after the next staff meeting (so that co-workers can be educated on the issue all at once) and that you do the “follow up” steps listed below. The “target” may also say “no” at the end of the meeting. If this happens early in the meeting, take a little time to argue your idea further. See if the “target” feels strongly about the “no” or is just saying it to end the meeting early. Either way, follow the instructions below for “following up” and then skip to Step 9.

More commonly, though, the “target” will ask you some questions about your idea and maybe make some of the arguments in opposition to your idea (this is true whether the “target” believes these arguments or is just making them to be able to see what you’ll say about them). The “target” is likely to want some time to think things over before giving you an answer. At the end of the meeting, ask the “target” if you can provide any additional information. Thank the “target” for meeting with you on the way out.

However the meeting ends, make sure to follow up with the “target.” If the “target” agrees with your idea, write a letter of thanks and include details about what the new policy is (in our example, that people are able to use the restroom that corresponds to their gender identity) and when it will be put into place. If the answer is no, include a thanks for the meeting and try to address any concerns that the “target” raised in saying no. Also, inform the “target” of the next steps you’ll be taking. Finally, if the “target” doesn’t give you an immediate answer, write a letter of thanks for the meeting and restate your key arguments. Also let the “target” know that you’ll be awaiting a decision.

### Step Nine: Moving Beyond a Conversation

If your informal meeting does not produce the outcome you want (including the negotiated goal), you should not stop your efforts. In talking with your allies, you should decide what next step is appropriate in your situation. Some possible steps include: going up the “chain” to talk to decision maker who has more authority than your “target”; filing a complaint with a local or state agency that is responsible for making sure that you do not face discrimination (your ability to do this depends both on where you live and what your idea is); or, stepping up your activist efforts by getting more allies to sign onto your idea or doing a protest (we list more ideas in the organizing tips in the “Creating a Safe Bathroom Campaign” section below).

In our example, all three of these next steps would likely be available (unless the meeting was with the company owner in which case you may not be able to go up the “chain.”). Contacting a local advocate will oftentimes help you to weigh your options or to understand what your rights are. Things to consider in deciding on a next step include how far you’re willing to go (i.e. are you willing to make trouble for yourself at work over this issue) and what route will best accomplish your goal.

### Step Ten: Evaluation

Take some time to evaluate your efforts. If you were successful, why? If not, why not? What could you have done differently? Is there some way you can pass on what you learned in your effort to other activists or community members? Asking yourself these questions will help you prepare for future work of this type and help to increase the ability of transgender people to make change in our own lives.

## **D. Building a Safe Bathroom Grassroots Organization**

Grassroots organizing is a necessary component in order to change bathrooms on a larger scale. “Grassroots organizing” means “getting people together to make necessary change by creating and implementing a plan.” Grassroots organizing works because elected officials and other decision makers (bosses, principals, and business owners) can be pressured to do the right thing if a group of people – particularly a large and vocal group – encourages or forces them to listen to their concerns.

Grassroots organizing is a way to change laws and policies by putting pressure on decision makers. It is also a way to make our community stronger by giving community members and allies the opportunity to build and practice organizing skills.

While these two aspects of grassroots organizing work together, we have broken them into separate sections because they require different, but related steps. Section D focuses on the “getting people” together part. Section E focuses on “creating and implementing” a plan.

Historically, there haven’t been very many transgender grassroots organizations. There certainly have been some groups, such as the Transsexual Menace, but most organizations and groups that work on transgender issues are support, advocacy, and/or service organizations. For our community to move forward, we must add grassroots organizing to these three important things. It is important that transgender people learn grassroots organizing skills to complement our support, advocacy, and service efforts so that we have a place where we can come together and make a broad plan for protecting our community.

As always, the following steps are really just one way to do things. You should not feel like you have to do all of these things or do them in the order we’ve laid out. It’s also important to be aware of how much time you are spending building your organization. As we wrote above, building and being involved in an organization can help people learn and improve a lot of skills. However, organization building can also take up a lot of time that could be better used in your campaign. Sometimes it is tempting to spend all of your time talking about your organization and making plans to make plans instead of doing your campaign work. A healthy balance of each will allow you to build an effective organization at the same time that you are creating change in your community.

### Step One: Getting Started

To get started, you will first need other people to work with. Grassroots work cannot be done by one individual alone. It is best accomplished by a group of people. Do not be disappointed if your group starts out small or if only a small number of people are able to do most of the planning. What is important is that your group represent as much of the community as possible and be open to people to become active participants in a number of different ways.

Holding an initial meeting is a vital first step. Spend a little time thinking about what the best time of day is for the meeting and which location is most likely to be convenient for the most people (and make sure that it is a location that is accessible to people in wheelchairs). Once you have an idea for the meeting and at least a couple of other people who agree to attend, publicize the meeting through flyers, emails, and phone calls to people who you think will be interested. If your town has a local newspaper that focuses on community issues, ask them to run an announcement about the meeting. Make sure that you reach out to people outside of your social circle in making invitations so that you are able to bring in people who are in some way different than you are.

At this first meeting, it is extremely important to set a good tone for future work. If the initial meeting is boring or disorganized, people may well lose interest. Make sure people feel welcome and included. This can be as simple as having everyone introduce themselves at the beginning of each meeting or making sure that the way you describe



the group doesn't exclude anyone. Keep the agenda for the meeting simple and make sure you have some part of the meeting that is fun and that allows people to talk to each other.

This might also be a good time to begin thinking about what kind of structure your group will want. Having a structure will assist the group in avoiding one person telling everyone else what to do. It will also provide opportunities for leadership and accountability. There are a lot of ways to structure a grassroots organization. The group structure used by PISSR is included in the Appendix of this guide as one example. We've also included the names of a couple of good resource guides for grassroots organizations that list other types of structure you can consider.

### Step Two: Hold Regular Meetings

Many grassroots organizations hold regular meetings in order to make new plans, discuss the outcome of past events, and check in about ongoing projects. In addition to the tips in Step One, here are some ideas for holding good meetings:

- Set a beginning and end time for the meeting and stick to them. Group members will be annoyed if meetings keep starting or ending late.
- Before each meeting, create a clear list of topics to be discussed and how much time each discussion should take. Post a copy of the list on the wall or hand out copies to each person in attendance.
- At each meeting, give out four different duties. One person should run the meeting to make sure that all of the topics on your list are addressed and that any disagreements are handled respectfully (you can call this person a facilitator); a person to make sure everyone gets a chance to speak (this person can be called a "stack keeper" and they will keep an ordered list of who is waiting to speak); a person to keep time so that each topic on the list stays within its time limit and that the meeting ends on time (this person can be called the timekeeper); and a note taker (who will take notes and get them out to members later through email or at the next meeting).
- Offer trainings at which new members can learn how to do each of these duties.
- Establish ground rules for the group. "Ground rules" are just the agreements you create to make sure all members understand what is expected of them. They can include rules about how to make a comment (you must raise your hand and wait to be called on) or how group members are expected to handle disagreements. While you may have ground rules from other groups you have joined, it is important to establish ones that work for your group and that may be different from ones that worked for another group.

### Step Three: Recruiting and Retaining Group Members

One of the most important but often forgotten aspects of grassroots organization building is keeping existing members interested and consistently recruiting new members. One way to keep existing members happy is to always focus on having a fun and social part of your meetings or events. If working for the organization becomes boring, members will not stick around. This is true even for members who believe strongly in what the organization wants to accomplish. So, keep emphasis on the fun and make sure members who do show up to work get different kinds of work to do so that they don't get bored and are able to learn new skills.

It is also important to keep recruiting new members. This is important because existing members may leave over time to pursue other interests or as their schedules get busy with things like work, school, and family obligations. New members will increase the strength and numbers of the group and will bring in new energy and new ideas. And if you do it right, new members can help make sure that your group represents the diversity of the community.

However, you cannot simply expect new members to suddenly show up at your events, actions or meeting. You must make sure that current members are spending time recruiting new members and making connections with people outside of your group. One way to do this is try to make sure that current members go to one event per month to hand out literature or talk to potential new members.



As you recruit new members, make sure that you are making them feel welcome within the group. For example, at the beginning of each meeting make time for all people present to introduce themselves to the rest of the group. Whenever new people come to meetings, make sure to get their contact information. Call or email them after their first meeting to thank them for coming and to encourage them to attend the next meeting or event.

Lastly, when trying to recruit and retain group members, it is important that you take into account the broad needs and interests of our communities. For example, be sure to vary the ways you try to find new members. Seek out opportunities to connect with people from diverse racial and ethnic communities, people with disabilities, and people with a variety of different gender identities.

#### *Step Four: Fundraising*

Sometimes groups think of fundraising as the most difficult part of grassroots organizing. It doesn't have to be. Put the "fun" back in fundraising. Before you begin to raise money, though, be sure to set a fundraising goal. This is just a fancy way to say: figure out how much money you need and make sure you know why you need it. For each fundraising event you organize, set a goal for how much money you want to raise at that event.

### *Overview...*

Before jumping into fundraising, here are some tips:

- 1) people only give when they are asked,
- 2) the people with the least money often give the most because they understand the need,
- 3) and, volunteers are great, but they don't pay your organization's rent.

What you can learn from these three tips is that the most important thing you can do is ask for money, be ready to explain why you need it, and don't be afraid to hear "no." Also, do not be afraid to ask because you think someone is unable to give. People are often flattered to be asked for their support, and the folks who benefit from and do the work are more willing to give because they understand and are committed to the work your group does. Finally, while someone volunteering their time is vital to the organization, unfortunately time does not purchase supplies. You will most likely need both time and money to keep your work going.

Lastly, it is essential to create a good fundraising strategy. Fundraising does not always have to be "money, money, money." Think about your fundraising as a way to build relationships too through meeting new people and getting the word out about your work. If you think of your donors as partners in the work and not banks, they will be more interested in giving. This is even truer if you can let them know that their donation not only helps to pay for your supplies, but also helps you to build a community of people committed to bathroom safety. Fundraising and community building are closely related and by thinking about them together you can get more bang for everyone's buck.

### *Ideas for Fundraising...*

People are most likely to give money when there is fun involved. Try throwing a house party, hosting a film night, or organizing a performance night. Sell t-shirts, stickers, or other items you can either make at home or have made cheaply. Ask group members to donate money. Ask your friends and family to donate. Ask group members to ask their friends and family as well. Remember that donations can be in the form of items, skills and connections. So, if someone can't give money, be sure to ask if they can support the organization in other ways through their skills, abilities or membership.

One of the most important parts of fundraising is to put the least amount of money in and get the most amount of money out. However, a good event or project is one where you make at least as much money as you spent in organizing it because even if you don't make any money you might attract new allies and new or simply get the word out about your group.

In addition to events and donations, you can request money from foundations. This is an area where you will need to do some research to see if there are any groups in your area that give grant money to progressive organizations. You can do research by: asking people you know who work at non-profits, search the internet ([www.lgbtfunders.org](http://www.lgbtfunders.org) is a good place to start), and check to see if you live near a Foundation Center Library ([www.fdncenter.org](http://www.fdncenter.org)) where you will find a lot of great resources and classes. If you have never written a grant before, you may want to check out a grant-writing guide from your local library or bookstore to give you some tips on writing a great proposal.

In applying for foundations, make sure you check to see if you need to be a “tax exempt organization” to get money (sometimes the foundation will use the “501c3 organization” instead of the phrase “tax exempt”). If so, your group may not qualify. One option, if you do not want to become a tax exempt organization, is to ask a local non-profit to sponsor your project so that you can apply for funding through them.

## E. Creating a Safe Bathroom Campaign

A “campaign” simply means the steps you take and how you take them in order to accomplish something. A campaign goal may be to get 50 businesses to change their bathroom policy, or for all local homeless shelters to adopt safe bathroom access policies, or to change a law in your city or state that affects the way people are legally allowed to use bathrooms. As we wrote above, building a campaign is often done at the same time you are building an organization. In fact, some parts of your campaign will be good ways to recruit and involve new people in your organization.

It is important that your goals will result in a concrete improvement in bathroom access for people who have difficulty navigating gender segregated facilities. It is also important that you carefully consider the impact the attainment of your goals will have on other groups who organize around bathroom access such as local homelessness groups and disability groups. You will want to make sure your goals do not negatively impact or interfere with the goals of these other groups. Lastly, it is essential that you consider the effect your goals will have on other disenfranchised groups of people who may not be organizing around bathroom access.

However, it is important to keep in mind that you do not have to build a whole new organization just to do bathroom safety work. Maybe you are part of an existing activist group (like a gay-straight alliance club) and a bathroom safety campaign is something you want to do. The following steps are one example

in how to put together a campaign. Just like always, you can use some or all of these steps or come up with ones that are better for your group and your campaign.



In order to make the campaign steps more clear, we'll use the example of a group of people who use city shelters on a regular basis creating a campaign to make sure that all shelters in their city have gender-neutral bathrooms.

### Step One: Setting Your Goals

There are two types of goals: long term and short term. Short term goals are those that you can accomplish quickly. It is also good if they produce concrete results that you can show to your members and allies. These types of projects will help group members understand that their work is accomplishing something. You can keep setting short-term goals throughout your campaign so that you have some kind of accomplishment each step along the way.

In our example, an early short term goal would be doing a survey of the existing bathrooms in all ten homeless shelters in the city. Our group would assign different members the responsibility of checking the bathrooms in different shelters. Not only would the group check for whether bathrooms are (1) gender-neutral, but also (2) if people can use the gender-segregated bathroom based on their gender identity; (3) if transgender people have been harassed or made to feel uncomfortable while using them; (4) if the bathrooms are usable by people in wheelchairs; and, (5) if they are clean. Once each shelter had been surveyed, the results could be put into a simple chart and each restroom could be given a letter grade (A – F) or number score (1-5) in each of the above five categories. This chart could be photocopied and handed out to city officials, allies, and advocates as a “Report Card” on shelter bathrooms.

Long term goals are the primary focus of your campaign but they may take as long as several years to complete. Obviously, they are extremely important. Unfortunately, because they take so long to accomplish, they can cause frustration on the part of your membership who might feel like nothing is happening or that things are not happening fast enough. That is why it is important to always connect your short term goals to your long term goals. This allows your members to see that you are making progress. In our example, the long term goal is to make sure that each of the 10 city shelters has gender-neutral bathrooms.

### Step Two: Deciding on Tactics

“Tactics” are the part of your campaign that focus on “how” you do things. Deciding which tactics you will use from the word “go” will save you from making a lot of mistakes during your campaign. That doesn’t mean that your tactics can’t change throughout your campaign, though. Being flexible about your tactics and always pausing to ask “is this a good way to do it?” will allow you to take advantage of new opportunities. In fact, you may use different tactics to accomplish different short-term goals and you will probably use a combination of tactics to accomplish your long-term goal.

Some possible tactics include:

**Direct Action** – this means “getting people involved with demanding change.” Different kinds of direct action include: picket lines, email or letter writing campaigns, rallies, and sit-ins. In doing direct action, especially the kind that involves getting people’s bodies involved, it is important to train your members in their rights and ways to stay safe.

**Media Advocacy** – this simply means talking to newspaper, television, radio, and internet reporters in an attempt to get them interested in your long-term goal. You can tie media advocacy into direct action by issuing a press release about a picket, for example. We have included more media tips below.

**Educational Workshops** – some organizations use education as a means to bring allies to their side or to convince their “target” that their demands are reasonable and just. This is a good way to practice your talking points and prepare to answer questions from people opposed to your goal.

**Slogans** – creating a slogan (like “Peeing in Peace”) can be helpful in getting your message across in a fun and simple way. Once you have developed a slogan, creating stickers or buttons with it can really help to bring attention to your issue.

**Insider Negotiations** – working with your “target” or “targets” to create policies or laws can be an important part of a campaign. This could be a good opportunity to be a part of the process of developing new laws and policies that contribute to your group’s goals.

### Step Three: Evaluate Your Group’s Abilities

When setting the goals of your campaign, you should figure out what resources your organization or group already has and which ones need to be added. Resources can include the skills that your members



have (public speaking, artistic, working with the media), your financial resources, community support, connections, etc.

Thinking about resources will help you decide what you will need in order to accomplish your goals. Group members may need to attend a workshop to learn skills, hold some kind of fundraiser to get some money, or do community education and/or outreach to gain support and make connections.

In our example, our activists may know that they have plenty of people who can do the research about bathroom conditions at the different city shelters, but they may need help getting someone to put that research into the chart mentioned above. Or, they may know what they want the policy to be in the end, but they need some help in figuring out how to write it.

#### Step Four: Identify Allies and Opponents

Next, determine who your allies might be. This could include elected officials who are likely to support your idea based on their general political point of view. Try to figure out what resources your allies can bring to the campaign. How might they be able to help you? How might you be able to help them? Could you potentially work in coalition with them? Do your allies have a relationship to your opponents? Could they assist you in responding to your opponents?

At the same time, determine who your opponents might be. An elected official who is unlikely to support your campaign? Local groups that have a reputation for opposing transgender or lesbian/gay/bisexual rights? Once you have decided who your opponents might be, consider what power they have. Is the local elected official in a position of high power? High enough to block what you want to accomplish? Are local groups going to simply frown upon your actions or will they put resources into stopping you? Are there other progressive, local groups who have faced these same opponents? Could those groups offer you any assistance?

For example, our group of activists might know of a local elected official who has acted as a good ally on transgender and homeless issues in the past. This elected official might be willing to publicly support the group's efforts which would add authority to the project.

On the other hand, there might be a high-up administrator in the city shelter system who has voiced opposition to changing the bathrooms. The group might seek out a local homelessness grassroots group who has successfully opposed this particular administrator before for tips in doing so.

#### Step Five: Create a Timeline

Once you have decided on your basic strategy, create a timeline so that you have an idea of when you should be accomplishing things. The timeline should reflect when the group intends to complete particular goals and, if you want to get detailed, the steps you will take to complete each goal. Try to take into account the resources your group has to get things done so that you do not create a timeline that doesn't give you enough time to succeed. It can be frustrating for your group if you always think you are behind your own schedule. Remember that members of the group have jobs, lives, homework, and families, so build flexibility into your timeline and do not be scared to change it if you find that you are accomplishing your goals more quickly or slowly than you had hoped.

Once you have drafted a workable timeline, hand copies out to members of the group and make a poster of the timeline that can be hung on the wall at meetings.

#### Step Six: Implement Your Campaign

Once you have determined what you want to accomplish and how and when you intend to accomplish it – it's time to get started! While you are working on your campaign it is important to remember two things: be patient and be flexible. Depending on how ambitious your goals are it may take a long time – even as long as several years – to accomplish them. It is critical that you plan for this so that you don't get frustrated and give up before meeting your goal. And, no matter how good your initial plan is,

something will probably need to change as your campaign progresses. So, be flexible. For example, if you began with the idea of using fairly benign tactics such as educational workshops you may need to switch to something more forceful such as direct action if you are not getting the response you want from your “target.”

### *Step Seven: Evaluate Your Successes and Setbacks*

After each short term goal, take some time to evaluate your efforts. If you were successful, why? If not, why not? What could you have done differently? Is there some way you can pass on what you learned in your effort to other activists or community members? Asking yourself these questions will help you prepare for future work of this type and help to increase the ability of transgender people to make change in our own lives.

## *Some Things to Consider Along the Way of Your Campaign...*

### *Working with Advocates*

Depending on the type of tactics you use, you might find it useful to enlist the help of a community advocate at different parts of your campaign. Advocates are people who work for community organizations whose goal is to make change through changing laws and policies. For example, at TLC we use a lot of different strategies to make positive social changes in California. Working with grassroots organizations is one of those strategies.

Advocacy organizations can provide grassroots groups with:

- Trainings on different types of skills
- Education about the law and the legal processes
- Assistance in making connections with government officials and decision makers
- Advice on how government works
- Feedback on goals and tactics

Keep in mind, though, that the relationship between advocacy organizations and activists can be challenging sometimes. Organizations and activists sometimes use very different tactics for creating positive social change. While the two sets of tactics often work well together, it is sometimes important to make sure that you are making decisions for yourself and your group. Do not be afraid to disagree with your advocate. Work together when appropriate and respectfully work separately when necessary.

### *Building Coalitions*

Coalition building can be one of the most difficult parts of a grassroots campaign, but it is definitely one of the most important. A “coalition” is a group of people and/or organizations that work together for a common cause even though they maintain their own identity. Coalitions are necessary to grassroots organizing for a number of reasons. A coalition can add to your political power. It can increase your access to resources, like a meeting space. It can also assist you in broadening your individual outreach efforts. And perhaps most importantly, building a coalition enables you to benefit from other people’s or group’s experiences and concerns and bring a wider set of ideas into your work. What is great about a coalition is that, if it is done right, it does all of these things for each person or group involved.

The first step in building coalition is to find other local groups with whom you can work. It might be best to start slowly by building a relationship with one or two groups and growing the coalition gradually over time. Also, it can be best at first, to choose groups with whom you have a fair number of things in common. In our example, coalition building might begin with our activists contacting either other activists working on homeless shelter conditions or activists working on other transgender issues.

In approaching other groups, keep it simple. Let them know that you are interested in building a coalition and want to find out if you can work together. Remember that a coalition goes both ways. In order to receive support from other groups, your group must offer real support in return. This could

mean attending the other groups' events and actions, sharing material resources, or helping the other group do outreach. As you begin to work together, be clear about your expectations and limitations are. And also respect theirs.

Coalitions are not always easy to build or maintain. In working with other groups you might be working across cultural differences and may have different reasons for wanting to achieve similar goals. To maintain a coalition it will often be necessary to compromise. This will probably require you to let go of some preconceived ideas you had about how a goal would be accomplished. Doing this is not a form of "selling out." It is about working with people in coalition and trusting that your compromises will work well for both groups.

It is important that you trust that other groups of people know what is best for them. Just like when working with an advocate, you may find that sometimes you have to do your work differently than your coalition partners. That is okay. Just make sure that you are respectful and supportive of their efforts in the same way that you want them to be of yours. Maintain consistency and reliability in working within the coalition so that the other groups can trust that you will do the work you say you will. Lastly, in addition to inviting other groups to take part in the work component of your group, invite them to your group's social events as well. Coalitions can benefit from a mix of work and play.

### *Media*

The job of mainstream media-makers is to increase the audience of the publications, channels, stations, etc. they work for. For this reason, media makers sometimes resort to mean tricks to do their job satisfactorily. Mainstream media does not always present transgender and gender non-conforming people or their goals and issues in an appropriate way. Therefore, it is essential that any group of transgender activists seek out resources that will enable them to be media savvy. Even if the group has no intention of seeking media attention it is best to be prepared. The media will sometimes seek you out even when you are trying to avoid it so it is necessary that you learn to use it instead of letting it use you.

Here are some basic tips on interacting with the media:

- Learn to draft a press release.
- Keep a list of local press contacts.
- Compose sound bytes so that all members of the group are presenting the same message, facts and language to the press.
- Build coalition through the media by working with and/or referencing the work of other groups.
- Make your own media or work with local independent/ alternative media sources.
- Arrange a media training for the group.
- Check out the media resources in Appendix A of this guide.

"My ideal bathroom world would be one in which gender identity expression was accepted and this question would not matter. I think people should be accepted for who they are!"





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# **RESOURCES**

## **Bathroom Activism Organizations:**

### **People In Search of Safe Restrooms (PISSR)**

[www.pissr.org](http://www.pissr.org)

[pissr@groups.queernet.org](mailto:pissr@groups.queernet.org)

PISSR believes that all people, regardless of their gender identification or presentation, have the right to access safe and dignified bathroom facilities without fear of harassment, judgment or violence. In order to reach this goal, PISSR is committed to establishing gender-neutral bathrooms.

### **People in Search of Safe and Accessible Restrooms (PISSAR)**

[pissar\\_ucsb@yahoo.com](mailto:pissar_ucsb@yahoo.com)

PISSAR is a coalition group of disability and genderqueer activists organizing and advocating for safe and accessible restrooms at UCSB and in the larger community.

## ***Grassroots Organizing Resources***

### **Organizing for Change: Midwest Academy Manual for Activists**

A comprehensive manual for grassroots organizers working for social, political, environmental, and economic change at the local, state and national levels.

### **Ruckus Society**

[www.ruckus.org](http://www.ruckus.org)

The Ruckus Society provides environmental, human rights, and social justice organizers with the tools, training, and support needed to achieve their goals.

## ***Law Enforcement Resources***

### **Beat The Heat: How to Handle Encounters with Law Enforcement**

Saying the right thing during an encounter with the police can mean the difference between going home and going to jail. Beat the Heat gives you a set of easy-to-remember legal tactics for protecting yourself and the people you care about.

### **Cop Watch**

[www.copwatch.com](http://www.copwatch.com)

Website dedicated to “policing the police”.

### **NCLR Legal Translations: Police Harassment in San Francisco**

<http://www.nclrights.org/publications/lgltrnslnpolice.htm>

An article that discusses police harassment of transgender people in San Francisco.

## ***Media Resources***

### **Ruckus Society Media Guide**

<http://www.ruckus.org/resources/manuals/media/index.html>

Online guide to help activists interact with the media.

### **The Spin Project**

<http://spinproject.org>

The SPIN Project strengthens nonprofit social justice organizations, small and large, to

communicate effectively for themselves. The SPIN Project provides accessible and affordable strategic communications consulting, training, coaching, networking opportunities and concrete tools.

### **Youth Media Council**

[www.youthmediacouncil.org](http://www.youthmediacouncil.org)

An organization dedicated to building youth power through media advocacy and media accountability. They offer affordable media trainings.

## ***Fundraising Resources***

### **Fundraising for Social Change**

This book by Kim Klein will give you the tools you need to get more money out of the work you are already doing.

### **Best of the Grassroots Fundraising Journal**

[www.grassrootsfundraising.org/](http://www.grassrootsfundraising.org/)

Raise More Money: The Best Of The Grassroots Fundraising Journal is a compendium of the most compelling articles every to pub published in the pages of the "Grassroots Fundraising Journal" which is now celebrating its twentieth year of publication. This invaluable "how to" reference offers practical, up-to-date information on the latest fundraising strategies, often illustrated by case studies. Edited by Kim Klein and Stephanie Roth.

## **Bathroom Activism Films, Guides and Zines:**

### **Toilet Training**

A film by Tara Mateik and the Sylvia Rivera Law Project that addresses the persistent discrimination, harassment, and violence that people who transgress gender norms face in gender segregated bathrooms. Comes with a companion guide full of useful facts and talking points about transgender equality and bathroom access. Purchase the video or download the guide at [www.srlp.org](http://www.srlp.org).

### **Piss and Vinegar Zine**

A zine by the Anti-Capitalist Tranny Brigade detailing the arrest of a NYC trans man for using the men's bathroom. Available online at [www.digressonline.com](http://www.digressonline.com) (click on the queer zinesters link).

### **That's Revolting! Queer Strategies for Resisting Assimilation**

Edited by Matt Bernstein Sycamore. Published by Soft Skull Press, 2004. A book on radical queer organizing which includes an article about PISSAR.

## **California based Advocacy Organizations:**

### **National Center for Lesbian Rights (NCLR)**

[www.nclrights.org](http://www.nclrights.org)

415.392.6257

870 Market St., Ste. 370

San Francisco, CA 94102

National legal resource center with a primary commitment to advancing the rights and safety of lesbians and their families. Also provides representation and resources to gay men, and bisexual and transgender individuals on key issues that also significantly advance lesbian rights.

### **Transgender Law Center (TLC)**

[www.transgenderlawcenter.org](http://www.transgenderlawcenter.org)



415.865.0176

160 14th Street

San Francisco, CA 94103

The Transgender Law Center (TLC) is a California-specific civil rights organization advocating for transgender communities. TLC utilizes direct legal services, public policy advocacy, and educational opportunities to advance the rights and safety of diverse transgender communities. TLC uses the term “transgender” to represent all of the innumerable genders and forms of gender expression that fall within and outside of stereotypical gender norms. TLC also understands, acknowledges, and resists non-gender based oppressions which limit people’s ability to live in peace.

## **Advocacy Organizations Based Outside of California:**

### **American Civil Liberties Union (ACLU) – Lesbian and Gay Rights Project**

[www.aclu.org](http://www.aclu.org)

125 Broad Street, 18th Floor

New York, NY 10004

Defending and expanding the civil liberties of all people, including LGBT people.

### **Lambda Legal Defense and Education Fund**

[www.lambdalegal.org](http://www.lambdalegal.org)

212.809.8585

120 Wall Street, Suite 1500

New York, NY 10005-3904

Lambda Legal is a national organization committed to achieving full recognition of the civil rights of lesbians, gay men, bisexuals, transgender people and those with HIV through impact litigation, education, and public policy work.

### **National Center for Transgender Equality (NCTE)**

[www.nctequality.org](http://www.nctequality.org)

202.639.6332

1325 Massachusetts Ave, NW Suite 600

Washington, DC 20005

National organization seeking transgender equality. Provides national lobbying and local community assistance. Does not provide individual legal advocacy.

### **Sylvia Rivera Law Project (SRLP)**

[www.srlp.org](http://www.srlp.org)

212.337.8550

322 8th Avenue, 3rd Floor

New York, NY 10001

SRLP is a legal organization that works to guarantee that all people are free to self-determine gender identity and expression.

### **Transgender Law and Policy Institute**

[www.transgenderlaw.org](http://www.transgenderlaw.org)

[query@transgenderlaw.org](mailto:query@transgenderlaw.org)

Extensive website collecting legal and policy materials, decisions, and news about transgender issues.

## **California Based Youth Organizations:**

### **Gay Straight Alliance Network (GSA)**

[www.gsanetwork.org](http://www.gsanetwork.org)

415.552.4229

160 14th Street

San Francisco, CA 94103

Gay-Straight Alliance Network is a youth-led organization that connects school-based Gay-Straight Alliances (GSAs) to each other and community resources.

### **Youth Gender Project (YGP)**

[www.youthgenderproject.org](http://www.youthgenderproject.org)

415.865.5625

San Francisco LGBT Community Center

1800 Market Street - Suite #307

San Francisco, CA 94102

Youth-led organization working to empower and advocate for transgender, gender-variant and questioning (TGQ) youth.

## **Community & Activist Organizations That Include Work on Sex-segregated Facilities:**

### **Gender Identity Project of the NYC LGBT Center**

[www.gaycenter.org](http://www.gaycenter.org)

212.620.7310

208 West 13th Street

New York, NY 10001

Mental health services, social work services, social events, groups.

### **Lambda Legal**

[www.lambdalegal.org](http://www.lambdalegal.org)

212-809-8585

120 Wall Street, Suite 1500

New York, NY 10005-3904

Franklin Romeo is a legal fellow at the Lambda Legal New York office whose work focuses on access to sex segregated facilities.

### **NCLR's Safe Homes Project**

[Marksamer@nclrights.org](mailto:Marksamer@nclrights.org)

1-800-528-6257

The Safe Homes Project, led by Equal Justice Works Fellow Jody Marksamer, is working to address the needs of LGBTQ youth in foster care, group homes, or the juvenile justice system through direct litigation, technical assistance, public education, and legislative advocacy.

### **TGI Justice Project**

[www.tgjip.org](http://www.tgjip.org)

[info@tgijp.org](mailto:info@tgijp.org)

510-839-7654 ex. 6#

TGIJP, c/o Justice Now

1322 Webster St. Suite 210

Oakland, CA 94612

The TGI Justice Project's (TGIJP) mission is to challenge and end the human rights abuses committed against transgender, gender variant/genderqueer and intersex (TGI) people in California prisons and beyond.

# **SAMPLE LETTERS**



*Advocating for our communities*

160 14<sup>th</sup> Street

SF, CA 94103

(415) 865-0135

[www.transgenderlawcenter.org](http://www.transgenderlawcenter.org)

[info@transgenderlawcenter.org](mailto:info@transgenderlawcenter.org)

Date

Employer X

Employer X's company name

Employer X's address

Re: Concerns about worksite discrimination

Dear Employer X:

My name is Christopher Daley and I'm an attorney with the Transgender Law Center. I was recently contacted by one of your employees, [employees name], about some issues she is facing at work. According to Ms. [name], she is being denied access to the women's restroom at work. At the same time, she is being told that the only restroom she can access is a men's restroom, an unhygienic portable restroom outside of the building, or an off-site restroom.

The goal of this letter is to provide you with basic information on California law so that you can create a restroom access policy for Company X that respects Ms. [name]'s identity and meets your legal duty. I have attached a publication that explains the state of employment law in regards to transgender people. In short, it is unlawful in California to discriminate against people based on their gender identity (in the case of Ms. [name] that is her female identity). Under this law, transgender people should be provided access to the restroom that corresponds to their gender identity (in this case, the women's restroom). It is my hope that once you have this basic information, Company X will modify your stance accordingly.

If you have any non-transgender employees who are concerned about sharing the women's restroom with Ms. [name], I would recommend that you inform them of your non-discrimination duty under state law. If this does not address their concern (and it is possible that it will not), we have found that identifying an alternative restroom that these employees can access often solves the problem. This way, you can provide Ms. [name] with appropriate access and require anyone who opposes that access to use an alternative restroom in order to address their concern.

I am happy to speak with you or your legal counsel if you have any questions about this letter. I am optimistic that with this information Company X will be able to meet both your legal and ethical obligations in this matter. Of course, if you are unable to do so, Transgender Law Center will provide Ms. [name] and any other affected Company X employee with the information and assistance they need to enforce their rights under law.

Sincerely,

Christopher Daley, Esq.

Director

---

TLC Is An Independent Non-Profit Corporation





## People In Search of Safe Restrooms

[www.pissr.org](http://www.pissr.org)

*The following is a letter from the activist group PISSR (People in Search of Safe Restrooms) to the San Francisco LGBT Community Center.*

What if you had to think twice when trying to access a restroom to relieve yourself? What if you entered a bathroom most appropriate for your gender identity only to be escorted out by the police? Or even more traumatic had an accident because no one would let you use a toilet in either the men's or women's room because they had a preconceived notion that your presence would upset some unspoken bathroom balance. All of these examples and more are just some of the obstacles that gender-variant, differently-abled, and some not so stereotypically male or female folks encounter when trying to do something as simple as use a toilet.

PISSR (People In Search of Safer Restrooms) is a group of gender-variant, differently-abled and traditionally gendered individuals who are very interested in creating safe bathroom space for people who do not fit the binary gender construct of female and male or have special circumstances that might require a differently gendered caretaker to escort them to the toilet. We recognize that even in San Francisco, many people have no safe places to go to the bathroom. They get harassed, beaten, and arrested in both women's and men's rooms and many avoid public bathrooms altogether, hence developing health problems. We understand that this affects people with a range of gender identities including people who do not identify as female or male, transgender people who do identify as female or male, as well as many masculine and butch women, and feminine men. Therefore we are committed to establishing gender-neutral bathrooms and we believe that all people, regardless of their gender identification or presentation, have the right to access safe and dignified restroom facilities without fear of harassment, judgment or violence.

So where does the SF Center come in? In response to these issues the New York GLBT Center has implemented multi-stall gender-neutral bathrooms on every other floor of their building. Currently the San Francisco LGBT Center has only one gender-neutral toilet. By the very nature of the LGBT Community Center it seems that your organization would be a good first candidate for the sorely needed implementation of such bathrooms. How exciting and culturally appropriate it would be if the Center were the first organization in the City of San Francisco to formally create multi-stall gender-neutral bathrooms for future benchmarking practices locally and nationally!

We have been consulting with the Transgender Law Center as well as have a working relationship with the HRC LGBTAC and we have found that there are no legal barriers prohibiting the creation of multi-stall gender-neutral bathrooms in the city. So what might multi-stall gender-neutral bathrooms look like? Well, we have ideas but would relish the opportunity to more precisely develop a model specific to the needs of the SF LGBT Community Center. We have a panel that we would be willing to make a presentation to the Center

staff and board. As a leader of the LGBT community, establishing multi-stall gender-neutral bathrooms at the center would set a positive example to both organizations and businesses throughout the city with the end result being SAFE restrooms for all.

We hope that our letter has been compelling enough to call you to attention. Please contact us so we can set a date to make our presentation and begin the process of the Center's participation in creating safe restrooms for all.

With best regards,

PISSR (People in Search of Safe Restrooms)

# **SAMPLE GROUP STRUCTURE**



## **PISSR (People In Search of Safe Restrooms) Organizational Structure 5/25/04**

PISSR wants to thank individual donors and funders, including:  
Funding Exchange  
Sisters of Perpetual Indulgence, Inc.  
Vanguard Public Foundation



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**Mission Statement:**

We believe that all people, regardless of their gender identification or presentation, have the right to access safe and dignified restroom facilities without fear of harassment, judgement or violence. In order to reach this goal, PISSR is committed to establishing gender-neutral bathrooms.

**Guiding Principles:**

PISSR is an actively anti-racist, pro-feminist, anti-ageist, anti-homophobic, anti-classist, anti-ableist, all gender inclusive organization. We welcome participation from anyone who shares our mission and guiding principles regardless of educational background or organizing experience.

**Structural Change & Review:**

PISSR's Organizational Structure will be reviewed for needed changes or additions annually in April as an agenda item at the monthly general meeting. In 2004, the structure will also be reviewed at the general meeting in September, six months after it's implementation.

A structural review can also be prompted at any time provided that three or more members of PISSR request it.

**General Meetings:**

**When & Where** - PISSR will have a general meeting once monthly. Meetings are currently held on the first Monday of every month at 7:00pm at the SF LGBT Center.

**Purpose** - General meetings are intended for discussion and decision-making about PISSR's general goals, strategies and tactics.

**Meeting Agenda** – Agenda items will be decided at the previous general meeting and posted along with meeting minutes to the PISSR list-serve. Changes and additions can be made to the agenda by contacting the meeting facilitator at least two days prior to the meeting at which the agenda will be used. All agenda items must be posted to the list-serve at least two days before a meeting to ensure that any member who wishes to have their voice heard regarding that issue can arrange to be there. Therefore, last minute agenda changes and off-topic issues raised at meetings will have to wait until the following meeting.

**Ground Rules** – All PISSR meetings will be run according to the following set of ground rules (based on ground rules developed by the California Coalition of Woman Prisoners):

1. Speak from your heart and experience – use I-statements
2. Listen to the wisdom everyone brings to the group
3. Practice “active listening”. Respect the person, challenge the behavior.
4. Prioritize voices of people of color and male-to-female transgender people.

5. We're not here to judge each other, put each other down or compete
6. Turn cell phones off.
7. Give each other time and space
8. Be on time to sessions
9. Step up, step back
10. Don't disrespect or make light of other people's cultures, religions, etc.
11. Focus on the agenda
12. The last person to speak calls on the next person to speak (who has hand raised).
13. The facilitator will act as a groundrule monitor to help remind us of the groundrules.

**Facilitation** – PISSR meetings will be facilitated by a trained facilitator. The SBAC Program Coordinator will facilitate most meetings but in the interest of both skill and responsibility sharing, PISSR will regularly provide facilitation trainings for all interested members.

**Recording/Timekeeping** – A volunteer recorder/ timekeeper will record meeting minutes and keep track of the time allotted to agenda items at all meetings. This person will also post the meeting minutes and agenda for the next meeting to the list-serve within one or two days following the meeting.

**Greeting New Members** – A new member point person will attend each meeting to greet new members, give them a PISSR information packet, get their contact information and follow up with a phone call a few days after the meeting.

**Clarification of Guiding Principles** – At each PISSR meeting, a few minutes will be spent discussing and presenting information about one of the guiding principles.

### **Decision Making:**

In order to ensure that all member's voices and concerns are heard, PISSR is committed to decision making through consensus.

**Consensus Process** – Each item requiring a group decision will go through three rounds of discussion and modification. If at the end of three rounds the group has not reached consensus, an emergency meeting will be scheduled to address that particular issue. If at the end of the emergency meeting consensus has still not been reached, a vote will take place requiring an 80% majority.

**ACT UP NY further clarifies the consensus process as follows:**

*Consensus does not mean that everyone thinks that the decision made is necessarily the best one possible, or even that they are sure it will work. What it does mean is that in coming to that decision, no one felt that their position on the matter was misunderstood or that it wasn't given a proper hearing. Hopefully, everyone will think it is the best decision; this often happens because, when it works, collective intelligence does come up with better solutions than could individuals. Consensus takes more time and member skill, but uses lots of resources before a decision is made, creates commitment to the decision and often facilitates creative decision. It gives everyone some experience with new processes of interaction and conflict resolution, which is basic but important skill-building.*



*During discussion a proposal for resolution is put forward. It is amended and modified through discussion, or withdrawn if it seems to be a dead end. During this discussion period it is important to articulate differences clearly. It is the responsibility of those who are having trouble with a proposal to put forth alternative suggestions.*

*The fundamental right of consensus is for all people to be able to express themselves in their own words and of their own will. The fundamental responsibility of consensus is to assure others of their right to speak and be heard. Coercion and trade-offs are replaced with creative alternatives, and compromise with synthesis.*

*When a proposal seems to be well understood by everyone, and there are no new changes asked for, the facilitator(s) can ask if there are any objections or reservations to it. If there are no objections, there can be a call for consensus. If there are still no objections, then after a moment of silence you have your decision. Once consensus does appear to have been reached, it really helps to have someone repeat the decision to the group so everyone is clear on what has been decided.*

*Difficulties in reaching consensus*

*If a decision has been reached, or is on the verge of being reached that you cannot support, there are several ways to express your objections:*

*Non-support (“I don’t see the need for this, but I’ll go along.”)*

*Reservations (“I think this may be a mistake but I can live with it.”)*

*Standing aside (“I personally can’t do this, but I won’t stop others from doing it.”)*

*Blocking (“I cannot support this or allow the group to support this. It is immoral.” If a final decision violates someone’s fundamental moral values they are obligated to block consensus.)*

### **Who makes decisions?**

Any member of PISSR can participate in the decision making process. New members can choose at what point they wish to join in the decision making process as long as they do so with an understanding of PISSR’s mission statement and guiding principles.

### **Work Plans, Strategies, and Tactics:**

**Annual Retreat** – PISSR will organize an annual summer retreat at which work plans, time lines, committee goals, strategies and tactics for the following year will be developed.

### **Committees and Task Forces:**

Committees and Task Forces are groups formed for the purpose of carrying out specific actions and projects that are part of PISSR’s annual work plan.

**Current Committees** - Educational Committee (responsible for developing Know Your Rights trainings and materials), Coalition Committee (responsible for organizing community meetings

and building alliances with other organizations), Research Committee (responsible for researching legislative process in San Francisco), and Materials Committee (responsible for creating t-shirts, flyers, and other materials).

**Committee Structure** – Each committee will have a point person who is responsible for maintaining contact with members of the committee, scheduling committee meetings, outreach of new committee members, and reporting on the progress of the committee at general PISSR meetings. To minimize burnout, folks should act as a committee point person for no longer than 3-6 months before trading out with somebody else.

### **Social Time:**

As activists we need to be constantly aware of preventing stress and burnout. In order to help with this, PISSR will act as a social as well as political organization. After each PISSR meeting, folks will be invited to go out and do something fun. Also, PISSR will organize at least 3 social events every year.

In keeping with the guiding principles, PISSR will make sure that social events are accessible for all of our members including youth, sober folks, etc.

### **Accountability:**

As a non-hierarchical organization, PISSR has a policy of peer accountability. Members of the group are responsible for pointing out when other members are acting inappropriately or not completing work they have volunteered to do. In these situations, the following procedures will be used:

**Inappropriate Behavior:** PISSR defines inappropriate behavior as any action that is not consistent with the guiding principles. This includes racist or sexist comments or actions and personal attacks on other members of PISSR. We will ask that the responsible person discontinue involvement with PISSR until:

1. A letter of apology has been written.
2. A show of good faith that the person has sought out resources to help them understand why their behavior was deemed inappropriate.
3. PISSR has organized a workshop or discussion for all members around the particular issue.

**Not Completing Work:** This means folks who consistently volunteer for projects or tasks but do not

*Peeing In Peace*

complete them. Folks who are not completing their work will be given a one month trial period. If the person is still not completing their work by the end of that month, they will be asked not to be involved in that particular project.

**Funding:**

PISSR will not accept donations, funding or sponsorship from corporations.

**Items for Review at 6 Month Meeting:**

1. Member access to financial information.
2. New Member recruitment.
3. Updating Mission Statement to reflect commitment to poverty issues and gender segregated facilities in general.
4. Changing the wording of the Guiding Principles.

# **LEGAL INFORMATION**

## **Important State and Local Laws in California**

Being able to using the correct restroom can sometimes be as easy as educating someone about the law. This quick overview simply lists a little about the statewide and local laws that might help you in being able to do this. The overview is divided up between statewide and local laws. And in the statewide section, the laws are identified as ones that you can use: “on the job,” “in school,” and “in public.”

### **California Law**

#### **1. On the job**

You are protected from discrimination on the job by the Fair Employment and Housing Act. Neither the term “gender identity” nor “gender expression” appears in the bill. However, in 2003, the government made it clear that transgender people are protected by the “sex discrimination” language in the law. For an explanation of this, take a look at our publication “Advancements in California and Federal Employment Law in Regards to Transgender People” (available in the publications section of the TLC website).

While the law does not say anything explicit about which bathroom transgender people are supposed to use, it only makes sense that preventing you from using the bathroom that is appropriate for your gender identity has to be discrimination.

#### **2. At school**

You are protected from discrimination in a public K-12 school by the Student Safety and Violence Prevention Act of 2000. Just like the Fair Employment and Housing Act, this law does not have the terms “gender identity” or “gender expression” in it. However, you are protected from gender identity discrimination based discrimination because it is discrimination based on sex. You can get an explanation for this by looking in our publication, *Beyond the Binary* (available in the publications section of the TLC website).

While the law does not say anything explicit about which bathroom transgender people are supposed to use, it only makes sense that preventing you from using the bathroom that is appropriate for your gender identity has to be discrimination.

#### **3. In public**

Most other times you will be using a restroom outside of someone’s home is a public restroom (in a store, restaurant, shelter, park, etc). The law that applies here is called the Unruh Act. This law is very broad and is understood by the Department of Fair Employment and Housing to protect transgender people. Despite the name, this Department investigates complaints of discrimination in public.

While the law does not say anything explicit about which bathroom transgender people are supposed to use, it only makes sense that preventing you from using the bathroom that is appropriate for your gender identity has to be discrimination.



## Local Laws

### 1. Anti-Discrimination Laws, in general

Several cities and counties in California have laws and regulations that protect transgender people. For instance, elected officials in Alameda County, Los Angeles, Oakland, San Diego, San Francisco, Santa Cruz, and West Hollywood have all passed local protections. While the policies are not all the same, many of them protect you on the job and in public.

In particular, laws in Alameda County and Oakland include specific protections for using the correct restroom. A regulation from the San Francisco Human Rights Commission provides the same protections in that city. These kinds of local laws are a perfect place to advocate with your elected officials to create very explicit laws around using the correct bathroom.

If you want to see what a law or regulation of this type could look like, take a look at the San Francisco regulations at: [http://www.sfgov.org/site/sfhumanrights\\_page.asp?id=6274](http://www.sfgov.org/site/sfhumanrights_page.asp?id=6274) By reviewing the regulations, you'll notice the inclusion of a recommendation that, where possible, all single-stall restrooms be labeled gender-neutral.

### 2. School District Policies

In addition to local governments, some local school districts have created guides or regulations that explain the school district's anti-discrimination policies to protect transgender students. These guides or regulations are incredibly helpful because they explain to school staff what to do in order to protect transgender students. You can see an example for San Francisco Unified School District in our *Beyond the Binary* publication.

## Outside of California

While California is arguably the leading state in providing the most protection, elected officials in other state and local governments have also created anti-discrimination laws. Again, few of them specifically mention restrooms (the law in Boston and city regulations in New York being two of the few that do). However, many of them can be used to argue that you should have access to the bathroom that corresponds to your gender identity. For an up-to-date list, check out the Transgender Law and Policy Institute's website: [www.transgenderlaw.org](http://www.transgenderlaw.org)



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